

Message Text

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ACTION ACDA-10

INFO OCT-01 EUR-12 IO-13 ISO-00 ERDA-05 AF-06 ARA-06

CIAE-00 DODE-00 EA-07 PM-04 H-02 INR-07 L-03 NASA-01

NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01

OES-06 SS-15 USIA-06 SAJ-01 /126 W

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R 141706Z APR 76

FM USMISSION GENEVA

TO SECSTATE WASHDC 9371

INFO AMEMBASSY MOSCOW

C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 2907

E.O. 11652: GDS

TAGS: PARM, CCD, US, UR

SUBJECT: CCD: US-SOVIET CONSULTATIONS ON DRAFT ENVIRONMENTAL
MODIFICATION (ENMOD) CONVENTION

SUMMARY. US AND SOVIET CCD DELOFFS CONSULTED APRIL 12 IN CONNEC-
TION WITH COORDINATING POSITIONS ON DRAFT ENMOD CONVENTION IN
PREPARATION FOR NEXT STAGE OF NEGOTIATION. ARTICLE-BY-ARTICLE
DISCUSSION REVEALED NO EVIDENT SUBSTANTIVE DIVERGENCES, ALTHOUGH
TWO SIDES PREDICTABLY ASSIGNED DIFFERENT WEIGHT AND PRIORITY TO
SPECIFIC ISSUES. SOVIETS CONTINUED TO LINK THEIR SUPPORT FOR
DRAFT ARTICLES ON TREATY SCOPE WITH ACCEPTANCE OF PRESENT PRO-
VISIONS ON INVESTIGATION/COMPLAINTS PROCEDURE. END SUMMARY.

1. PURSUANT TO APRIL 9 SOVIET PROPOSAL, US CCD DELOFFS GIVAN
AND BLACK MET APRIL 12 WITH NAZARKIN AND VAVILOV OF SOVDEL PLUS
PROFESSOR SEDUNOV, ENMOD EXPERT WHO PARTICIPATED IN EARLIER US-
SOVIET BILATERAL DISCUSSIONS AND IN APRIL 5-6 CCD INFORMAL MEET-
INGS. PURPOSE OF MEETING WAS TO CONTRIBUTE TO DEVELOPING COOR-
DINATED US AND SOVIET POSITIONS ON DRAFT ENMOD CONVENTION, IN
LIGHT OF COMMENTS AND PROPOSALS MADE THUS FAR AND IN PREPARATION
FOR NEXT STAGE OF NEGOTIATIONS ANTICIPATED AT BEGINNING OF CCD'S
SUMMER SESSION. TWO SIDES WENT THROUGH TEXT ARTICLE-BY-ARTICLE.

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SIGNIFICANT POINTS FOLLOW.

2. PREAMBLE. NAZARKIN RAISED QUESTION OF REFERENCE TO GENERAL AND COMPLETE DISARMAMENT, PROPOSED BY ARGENTINA AND SUPPORTED BY EGYPT. BOTH SIDES INDICATED SUCH A REFERENCE WOULD BE ACCEPTABLE. THEY ALSO AGREED IN PRINCIPLE TO CANADIAN IDEA OF DIVIDING PRESENT THIRD PREAMBULAR PARA, WHICH REFERS TO BOTH PEACEFUL AND HOSTILE USE OF ENMOD, INTO TWO SEPARATE PARAS, BUT NO SPECIFIC WORDING WAS WORKED OUT. WITH REGARD TO SUGGESTION THAT FOURTH PREAMBULAR PARA'S STATED DESIRE TO "LIMIT" DANGERS OF ENVIRONMENTAL WARFARE BE CHANGED TO "ELIMINATE," US DELOFFS STATED WILLINGNESS TO CONSIDER STATING OBJECTIVE OF EFFECTIVELY ELIMINATING THE DANGER. SOVIETS SUGGESTED "EFFECTIVE MEASURES TO ELIMINATE," "PREVENT," OF "CONTRIBUTE TO ELIMINATING." US DELOFFS SAID ALL WOULD BE REFERRED FOR WASHINGTON CONSIDERATION. GIVAN REMARKED THAT US GUIDANCE WAS TO BE GENERALLY FLEXIBLE ON PREAMBLE, AND THAT WE WOULD TAKE LIBERAL VIEW IF FURTHER CHANGES WERE PROPOSED.

3. ARTICLE I. FIRST QUESTION DISCUSSED WAS PROPOSAL TO ELIMINATE "MILITARY AND ANY OTHER" PRECEDING "HOSTILE USE." NAZARKIN REMARKED THAT THERE WAS A QUESTION OF POLITICAL EMPHASIS, ALTHOUGH LOGICALLY THE MEANING OF THE PROVISION WOULD BE UNCHANGED. GIVAN SAID US WAS CAUTIOUS ON THIS QUESTION, WANTING TO REFLECT ON IT FURTHER. NAZARKIN RAISED USE OF "HAVING" CERTAIN EFFECTS, SAYING THIS TRANSLATED BADLY INTO RUSSIAN. HE SUGGESTED "WHICH HAVE" OR "WHICH WOULD HAVE." GIVAN SAID THAT "HAVING" PRESENTED NO PROBLEMS TO US, BUT WE WOULD CONSIDER SUGGESTED CHANGES. HE ADDED THAT "WHICH REASONABLY COULD BE EXPECTED TO HAVE" WAS ALSO WORTH CONSIDERING.

4. GIVAN RAISED POINT MADE BY GDR AMBASSADOR HERDER CONCERNING PREVENTION OF "MILITARY PREPARATION FOR USE" (OF ENMOD). REITERATING FIRM US OPPOSITION TO ANY BAN ON RESEARCH AND DEVELOPMENT, HE ASKED NAZARKIN WHETHER ABOVE NOTION WOULD HAVE IMPLICATIONS IN THIS CONNECTION. NAZARKIN DID NOT GIVE DIRECT REPLY BUT EXPLAINED SOVIET UNDERSTANDING THAT HERDER HAD MEANT ESTABLISHING SPECIAL MILITARY UNITS TRAINED TO CARRY OUT ENMOD ACTIVITIES.

5. WITH RESPECT TO INTERPRETATION OF TREATY APPLICABILITY TO CERTAIN ENMOD ACTIVITIES, GIVAN OBSERVED THAT QUESTION OF ENMOD USE

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IN SELF-DEFENSE ON ONE'S OWN TERRITORY HAD BECOME SIGNIFICANT ISSUE. TWO SIDES AGREED THAT EXPLANATION WAS VALID THAT "USE AS MEANS OF DESTRUCTION, DAMAGE OR INJURY" TO ANOTHER STATE PARTY PRECLUDED USE OF ENMOD HAVING EFFECTS MEETING "WIDESPREAD, LONG-LASTING OR SEVERE" CRITERIA DIRECTLY AGAINST INVADING TROOPS BUT DID NOT PROHIBIT INTERDICTION. HOWEVER, THIS MADE APPLICABILITY OF BAN IN THIS CONTEXT TO SOME EXTENT A QUESTION OF TIMING OF THE USE. BOTH SIDES AGREED THAT THE SELF-DEFENSE

QUESTION NEEDED FURTHER CONSIDERATION.

6. ON OTHER ISSUES CONNECTED WITH ARTICLE I, GIVAN NOTED THAT US (A) HAD TAKEN RATHER NEGATIVE VIEW ON INCLUDING THREAT OF USE WITHIN BAN BUT WAS STILL CONSIDERING QUESTION; (B) WAS HOLDING FIRM ON APPLICABILITY OF OBLIGATIONS TO TREATY PARTIES ONLY; AND (C) WAS CONSIDERING UNDERTAKING "NEVER UNDER ANY CIRCUMSTANCES TO USE;" PHRASE DID NOT ADD ANYTHING, BUT QUESTION WAS WHETHER IT WAS DAMAGING. HE ALSO HANDED OVER A CLEARED QUESTION-AND-ANSWER ANALYZING INTERRELATIONSHIP BETWEEN ELEMENTS OF ARTICLE I. NAZARKIN AND SOVIETS WOULD STUDY IT CAREFULLY, REMARKING THAT THEIR ANALYSIS HAD NOT BEEN SO EXTENSIVELY DEVELOPED.

7. CONCLUDING DISCUSSION OF ARTICLE I, NAZARKIN RECALLED THAT THE USSR HAD ORIGINALLY ADVOCATED BROADER TREATY SCOPE BUT HAD AGREED ON PRESENT FORMULATION IN BILATERALS WITH US. SOVIETS SAW A LINKAGE BETWEEN ARTICLES I AND V (INVESTIGATION/COMPLAINTS) RESULTING FROM THOSE NEGOTIATIONS.

8. ARTICLE II. NAZARKIN NOTED THAT SOME COUNTRIES HAD CHALLENGED ILLUSTRATIVE LIST OF EFFECTS (PHENOMENA) FOLLOWING ARTICLE'S DEFINITIONAL LANGUAGE, AND SAID SOVIETS COULD CONSIDER DROPPING IT. GIVAN SAID US COULD DO LIKEWISE, BUT DOUBTED THAT THIS WOULD SOLVE PROBLEM. WE WERE WILLING TO COOPERATE IN IMPROVING THE LIST. IF SUCH ACTION WERE INDICATED. NAZARKIN EXPRESSED DOUBTS ABOUT MODIFYING LIST, ADDING THAT IN ANY CASE IT SHOULD NOT PURPORT TO BE EXHAUSTIVE. SEDUNOV ARGUED AGAINST ANY MODIFICATION, SAYING THAT THE LIST HAD BEEN CAREFULLY WORKED OUT IN BILATERALS WITH EXAMPLES CHOSEN TO ILLUSTRATE TECHNIQUE HAVING EFFECT ON EACH OF ENVIRONMENTS MENTIONED IN DEFINITION. GIVAN STATED US UNDERSTANDING THAT HOSTILE USE OF TECHNIQUES TO PRODUCE ALL EFFECTS PRESENTLY LISTED WOULD BE BANNED.

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ACTION ACDA-10

INFO OCT-01 EUR-12 IO-13 ISO-00 ERDA-05 AF-06 ARA-06

CIAE-00 DODE-00 EA-07 PM-04 H-02 INR-07 L-03 NASA-01

NEA-10 NSAE-00 NSC-05 OIC-02 SP-02 PA-01 PRS-01

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9. ARTICLE III. NAZARKIN SAID SOVIETS COULD SUPPORT SUBSTITUTING "APPLY TO" FOR "HINDER" IN CONNECTION WITH TREATY'S RELATIONSHIP TO PEACEFUL USES. BLACK RECALLED THAT 1975 UNGA RES ON ENMOD HAD UNDERGONE ANALOGOUS MODIFICATION ("AFFECT" BEING SUBSTITUTED FOR "HINDER"), AND THAT THIS HAD MET SWEDISH CONCERN THAT PRESENT CONVENTION MIGHT IMPINGE ON POSSIBLE SUBSEQUENT REGULATION OF PEACEFUL USES. BOTH SIDES OBSERVED THAT THERE DID NOT SEEM TO BE MUCH SUPPORT FOR SWEDISH IDEA OF DROPPING ARTICLE. THEY ALSO AGREED THAT IF ABOVE SUBSTITUTION WERE MADE, THERE WAS NOT MUCH SENSE IN ARGENTINE PROPOSAL TO INCLUDE AFFIRMATIVE OBLIGATION TO COOPERATE IN PEACEFUL ENMOD USES, ANALOGOUS TO ARTICLE X OF BIOLOGICAL WEAPONS CONVENTION, OR IN ITALIAN PROPOSAL TO INCLUDE PROVISION FOR CONSULTATION IN CONNECTION WITH INTERPRETATION OF ARTICLE III.

10. ARTICLE IV. NAZARKIN SAID SOVIETS FAVORED THIS ARTICLE ON DOMESTIC IMPLEMENTATION MEASURES, AND WERE STRONGLY AGAINST DELETING IT AS HAD BEEN PROPOSED. GIVAN SAID US HAD NO VIEWS ON QUESTION AND ASKED WHETHER SOVIETS MIGHT BE WILLING TO CONSIDER CLARIFICATION. NAZARKIN NOTED THAT ITALIANS HAD SUGGESTED "SIMPLIFYING" ARTICLE, BUT SAID USSR THOUGHT THAT SINCE PRESENT TEST FOLLOWED FORM OF BWC IT SHOULD BE RETAINED.

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11. ARTICLE V. NAZARKIN SAID SOVIETS TOOK VERY STRONG POSITION IN SUPPORT OF PRESENT TEXT, CONSIDERING IT "CORRECT" AS IT STANDS. HE DOUBTED THEY WOULD BE PREPARED TO CONSIDER CHANGE AT ANY TIME IN NEAR FUTURE. GIVAN POINTED OUT THAT US HAD BEEN DEFENDING ARTICLE AS ADEQUATE FOR PURPOSES OF THIS CONVENTION, BUT THAT MANY OF OUR INTERLOCUTORS TAXED THE PROVISION FOR RECOURSE TO THE SECURITY COUNCIL AS CONTAINING A BUILT-IN INEQUALITY. HE ADDED THAT INSTRUCTIONS PERMITTED THE USDEL TO STATE THAT US (A) HAS NEVER USED VETO AGAINST INITIATING AN

INVESTIGATION, AND (B) COULD SUPPORT A SECURITY COUNCIL RESOLUTION OF THE TYPE SUBMITTED IN 1972 BY POLAND, THE UK AND YUGOSLAVIA REGARDING THE COMPLAINTS PROCEDURE UNDER THE BWC. (THE RESOLUTION, WHICH WAS NOT BROUGHT TO A VOTE IN VIEW OF AN ANTICIPATED PRC VETO ON NON-RELATED GROUNDS, WAS INTENDED TO REASSURE OTHER COUNTRIES THAT SECURITY COUNCIL PROCEDURES WOULD NOT BE USED TO BLOCK THE HANDLING OF COMPLAINTS AND INVESTIGATIONS). GIVAN ASKED WHETHER THE SOVIETS HAD CONSIDERED MAKING ANALOGOUS STATEMENTS. NAZARKIN REPLIED THAT HE HAD NO INSTRUCTIONS WHATSOEVER ON THIS MATTER.

12. GIVAN SAID USDEL WAS ALSO INSTRUCTED TO AGREE TO CONSIDER INSTITUTING AN INVESTIGATIVE MECHANISM OUTSIDE THE UN, TO BE USED BEFORE RECOURSE TO THE SECURITY COUNCIL. HE ADDED THAT WE UNDERSTOOD THAT THE USSR MIGHT HAVE PROBLEMS WITH SUCH A MECHANISM USING THE SECRETARY GENERAL OR SOME OTHER UN ARRANGEMENT, BUT WE WONDERED ABOUT SOVIET VIEWS ON AN "OUTSIDE" PROCEDURE. AGAIN, NAZARKIN RESPONDED THAT HE DID NOT HAVE EVEN A PRELIMINARY REACTION TO THIS IDEA. BLACK COMMENTED THAT ON BASIS OF PUBLIC STATEMENTS AND PRIVATE CONVERSATIONS DURING LATTER PART OF CCD SPRING SESSION, IT APPEARED THAT PRESENT ARTICLE V TEXT POSED THE BIGGEST POLITICAL PROBLEM IN ACHIEVING COMMON US-SOVIET OBJECTIVE OF A WIDELY ACCEPTABLE TREATY.

13. ARTICLE VIII. GIVAN RECALLED THAT US IN BILATERALS HAD FAVORED MAKING THE SYG THE TREATY DEPOSITARY, AND SAID WE STILL DID SO. WE CONSIDERED THAT THE THREE-POWER DEPOSITARY ARRANGEMENT HAD OUTLIVED ITS RATIONALE. GIVAN NOTED THAT WE COULD ALSO ACCEPT A SINGLE NEUTRAL COUNTRY AS DEPOSITARY, BUT THAT NO ONE HAD RAISED THIS POSSIBILITY. NAZARKIN MERELY TOOK NOTE OF THESE POINTS.

14. QUESTION OF REVIEW PROVISIONS. NAZARKIN NOTED CONSIDERABLE
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SENTIMENT IN FAVOR OF SUCH PROVISIONS. HE RECALLED THAT THE 1974 ENMOD DRAFT HAD CONTAINED AN ARTICLE ON REVIEW, AND DOUBTED THAT THE USSR WOULD HAVE ANY PROBLEMS IN ADDING ONE TO PRESENT TEXT. HE ASKED US VIEWS. GIVAN REPLIED THAT WE PREFERRED TO AVOID REGULARLY SCHEDULED REVIEW CONFERENCES, BUT IF PRESSED COULD PROBABLY ACCEPT A PROVISION CALLING FOR REVIEW AT THE REQUEST OF A MAJORITY OF TREATY PARTIES AT INTERVALS NO SHORTER THAN EVERY FIVE YEARS.

15. AGREEING THAT IT WAS IMPORTANT FOR BOTH SIDES TO ARRIVE AT CCD SUMMER SESSION WITH COORDINATED POSITIONS TO MAXIMUM EXTENT FEASIBLE, DELEGATIONS BRIEFLY DISCUSSED POSSIBLE MODALITIES OF INTERSESSIONAL CONSULTATIONS. GIVAN ASKED IF CONSULTATIONS APART FROM DIPLOMATIC CHANNELS WERE NEEDED, HOW SOON SHOULD THEY TAKE PLACE. NAZARKIN REPLIED THAT HE WAS NOT READY TO ANSWER AT THIS TIME. DELEGATIONS AGREED THAT IT WOULD BE IM-

PORTANT TO WORK OUT WAY OF INDICATING WHICH PROPOSED CHANGES IN
TREATY TEXT WERE ACCEPTABLE TO CO-AUTHORS, AND WHICH NOT. HOW-
EVER, NO AFFIRMATIVE IDEAS EMERGED ON THIS MATTER. ON WAY OUT
OF MISSION AT END OF MEETING, VAVILOV VOLUNTEERED VIEW THAT UNDER
EXISTING CIRCUMSTANCES IT WOULD BE HIGHLY INADVISABLE FOR US AND
USSR TO SUBMIT A COMPLETE REVISED TEXT AT BEGINNING OF SUMMER
SESSION. ABRAMS

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Message Attributes

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